



**Virginia
Regulatory
Town Hall**

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Board of Juvenile Justice
VAC Chapter Number:	6 VAC 35-60
Regulation Title:	Minimum Standards for Delinquency Prevention and Youth Development Act Grant Programs
Action Title:	Amend to comply with Item 475.B of the 2000 Appropriations Act and to clarify the mission of Offices on Youth consistent with amendments to the Delinquency Prevention and Youth Development Act (Chapter 277 of the 2000 General Assembly).
Date:	February 9, 2001

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

This regulation establishes operating standards for Virginia's Offices on Youth. Consistent with Code of Virginia Sections 66-27 and 66-28, the goal of the regulation is "to promote efficiency and economy in the delivery of youth services and to provide support to localities seeking to respond positively to the growing rate of juvenile delinquency."

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

The general authority of the Board of Juvenile Justice to promulgate regulations is found in Code of Virginia § 66-10 (6), which provides that the Board shall have the power and duty "[t]o promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the Director or the Department."

The specific legal authority for regulations governing Delinquency Prevention and Youth Development Act programs is found in Code of Virginia § 66-28, which states that "[t]he Board shall prescribe policies governing applications for grants pursuant to this chapter and standards for the operation of programs developed and implemented under the grants."

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

Throughout the regulation, standards that restate requirements expressly laid out in the Code of Virginia are repealed (See 6VAC35-60-20; 6VAC35-60-30; 6VAC35-60-440; 6VAC35-60-460; 6VAC35-480; and 6VAC35-60-490).

Requirements are established for background checks for Office on Youth employees (6 VAC 35-60-237) and volunteers who provide one-on-one services to youth outside of a group setting (6 VAC 35-60-236) .

Offices on Youth are required to provide for an evaluation of program effectiveness in their annual plans (6 VAC 35-60-415).

The elements to be considered in a community needs assessment are spelled out more fully (6 VAC 35-60-450).

The requirements for biennial operating plans are replaced by standards for annual plans.

The Department's process for monitoring office on youth operations has been modified to reflect organizational and operational changes within the Department (see 6 VAC 35-60-410). The requirements in 6 VAC 35-60-500 for distributing annual reports has been modified to reflect changes in program focus and Department organization.

A number of new standards are proposed that would govern direct service programs and services operated by offices on youth. Many of the requirements closely track existing standards that apply to non-residential programs and services in the juvenile justice system. The new standards governing direct service programs include 6 VAC 35-60-680 (imitation of contact with juveniles), 6 VAC 35-60-690 (medical emergencies), 6 VAC 35-60-700 (juveniles' rights), 6 VAC 35-60-710 (juveniles' participation in research), 6 VAC 35-60-720 (case management

requirements), 6 VAC 35-60-730 (incident documentation and reporting, 6 VAC 35-60-740 (child abuse and neglect), 6 VAC 35-60-750 (programs' physical setting, 6 VAC 35-60-760 (individual service or contact plan), 6 VAC 35-60-770 (emergencies and safety in juveniles' homes), 6 VAC 35-60-780 (supervision of juveniles, 6 VAC 35-60-790 (meals when a program spans traditional mealtimes), 6 VAC 35-60-800 (fire safety), 6 VAC 35-60-810 (first-aid kits), 6 VAC 35-60-820 (delivery of medication), 6 VAC 35-60-830 (physical and mechanical restraint), and 6 VAC 35-60-840 (procedural requirements for time-out).

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

Although one goal of Delinquency Prevention and Youth Development Act grant programs, according to Code of Virginia § 66-27, is "to provide support to localities seeking to respond positively to the growing rate of juvenile delinquency," which implies a high level of local autonomy, the General Assembly apparently was concerned that the efforts of offices on youth lacked direction and focus. Item 475.B of the 2000 Appropriations Act directs the Department to develop standards for the operations of Offices on Youth that shall include the establishment of goals, quantifiable objectives and measures for the evaluation of program effectiveness for each Office on Youth. The General Assembly took other action in its 2000 Session, amending Code of Virginia §§ 66-29, 66-30, 66-34 and 66-35 to specifically direct the offices on youth to take more of a coordinating and facilitating role in their communities. Thus, the alternative of reducing state-level review and oversight apparently has been foreclosed. The General Assembly appears to be placing greater emphasis at present on the second goal stated in Code of Virginia § 66-27, which is "to promote efficiency and economy in the delivery of youth services."

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

References to a youth's family or parents occur ten times in the regulation, in recognition of the fact that preventing delinquency and encouraging the development of our youth cannot occur entirely apart from youths' families. This recognition is especially significant in view of the fact that the enabling legislation, Code of Virginia Sections 66-26 through 66-35 never uses the term "family" and uses the term "parenting" only once. The regulation does not explicitly address the authority or rights of parents in the education, nurturing and supervision of their children, but implicitly recognizes that parental authority and family stability are crucial to preventing juvenile delinquency and enhancing the development of the Commonwealth's young people.